

COMMITTEE AMENDMENT FORM

DATE: 11/28/ 07

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #07-O-2154 SECTION (S)

RESOLUTION I. D. #07-R- PARA.

AMENDS THE LEGISLATION BY ADDING FOUR (4) CONDITIONS ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF PLANNING 10/19/07.

AMENDMENT DONE BY COUNCIL STAFF 11/28/07

City Council
Atlanta, Georgia

07-O-2154

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-07-102
Date Filed: 9-11-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1329-1339 Ellsworth Industrial Boulevard, N.W.**, be changed from the I-2 (Heavy Industrial) District to the MR-4A-C (Multifamily Residential- Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 188, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-07-102 for 1329 and 1339 Ellsworth Boulevard, N.W.

1. Site plan entitled "The Heights of Ellsworth" dated 10/10/07 and received by the Bureau of Planning on October 19, 2007. This site plan is conceptual and is not intended to restrict the application of the regulations under the MR district.
2. Maximum FAR Proposed: $1.25 (309,091 / 247,273^* = 1.249)$
3. Developer shall provide on-street parking on Ellsworth Industrial Drive within the existing right of way, unless the provision of on-street parking and/or sidewalk and tree planting and furniture zones necessitates the alteration, relocation or removal of the retaining wall on the southwest portion of the subject property shown on the site plan. Said retaining wall is to remain.
4. Developer shall redesign access on Ellsworth Industrial Boulevard using City of Atlanta curb cut details.

RCS# 1487
10/15/07
2:02 PM

Atlanta City Council

SPECIAL SESSION

MULTIPLE

07-O-2151, 07-O-2152, 07-O-2153, 07-O-2154
07-O-2155, 07-O-2156, 07-O-2157
REFER ZRB/ZONE

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	B Muller	Y Sheperd	NV Borders

MULTIPLE

07-0-2154

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207102



LEGAL DESCRIPTION:

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, LYING AND BEING WITHIN LAND LOT 188 OF THE 17TH DISTRICT, WITHIN FULTON COUNTY, GEORGIA IN THE CITY OF ATLANTA, BEING MORE FULLY SHOWN AND DESIGNATED ON A BOUNDARY SURVEY FOR WORTHING SOUTHEAST CORPORATION DATED 7/27/07 BY HIGHLAND ENGINEERING AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF HUFF ROAD (40' R/W) AND THE EASTERN RIGHT-OF-WAY OF ELLSWORTH INDUSTRIAL BOULEVARD (60' R/W) AT A POINT; THENCE CONTINUING ALONG THE EASTERN RIGHT-OF-WAY OF ELLSWORTH INDUSTRIAL BOULEVARD (60' R/W) 519.23' TO A 1" OPEN TOP FOUND THE POINT-OF-BEGINNING (P.O.B.); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 647.00', ARC LENGTH OF 57.02', CHORD BEARING OF NORTH 26 DEGREES 50 MINUTES 11 SECONDS WEST (N26°50'11"W) A CHORD DISTANCE OF 57.00' TO A #4 REBAR SET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 28 DEGREES 31 MINUTES 01 SECONDS WEST (N28°31'01"W) A DISTANCE OF 51.15' TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 551.25', ARC LENGTH OF 220.87', CHORD BEARING OF NORTH 14 DEGREES 49 MINUTES 12 SECONDS WEST (N14°49'12"W) A CHORD DISTANCE OF 219.40' TO A P/K NAIL FOUND; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE SOUTHERN LINE OF ELLSWORTH INDUSTRIAL BOULEVARD (PRIVATE DRIVE) NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST (N89°59'34"E) A DISTANCE OF 359.79' TO A 1" CRIMPED TOP FOUND; THENCE CONTINUING ALONG SAID LINE NORTH 89 DEGREES 56 MINUTES 53 SECONDS EAST (N89°56'53"E) A DISTANCE OF 138.99' TO A 2" OPEN TOP FD.; THENCE CONTINUING ALONG SAID LINE NORTH 00 DEGREES 36 MINUTES 49 SECONDS WEST (N00°36'49"W) A DISTANCE OF 61.67' TO A P/K NAIL FOUND; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F MIMMS PROPERTIES SOUTH 89 DEGREES 42 MINUTES 06 SECONDS EAST (S89°42'06"E) A DISTANCE OF 185.71' TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F FORUS COMMUNICATIONS OF GEORGIA SOUTH 01 DEGREES 03 MINUTES 07 SECONDS WEST (S01°03'07"W) A DISTANCE OF 377.34' TO A #5 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F TAMA XII LLC NORTH 89 DEGREES 03 MINUTES 54 SECONDS WEST (N89°03'54"W) A DISTANCE OF 315.92' TO A #4 REBAR FOUND; THENCE CONTINUING ALONG SAID LINE NORTH 89 DEGREES 14 MINUTES 48 SECONDS WEST (N89°14'48"W) A DISTANCE OF 254.78' TO THE POINT-OF-BEGINNING (P.O.B.) AND CONTAINING 4.84 ACRES (210,821 SQ. FT.).